

REMARKS

Claims 22-31, 39-41, 44-50 and 52-67 are pending.

Claim 22 has been amended to require that the compositions are characterized by a specific gravity from 1.0063 to 1.0075 gm/ml. This amendment is supported by disclosure at page 10, line 27, to page 11, line 1, of the specification

The Examiner has indicated that claim 46 would be allowable if rewritten in independent form. Accordingly, this claim was rewritten to incorporate the limitations of independent claim 22. New claims 55 to 67 were added; these new claims correspond to existing pending claims that depend from claim 22. New matter has been added by these amendments.

Rejection under 35 U.S.C. §112, second paragraph

Claims 42, 43, and 49 were rejected under 35 U.S.C. §112, second paragraph as indefinite.

Specifically, the Examiner has objected to the term “about” in the context of specific gravity. The claims have been amended to delete this term. Therefore, this ground of rejection can now be withdrawn.

Rejection under 35 U.S.C. §103

Claims 22-30, 40-44, and 48-52 were rejected under 35 U.S.C. §103(a) as unpatentable over Soon-Shiong (USPN 5,560,933) in view of Kim (WO 94/26250) and Harris (“Quantitative Chemical Analysis”). Claims 31 and 39 remain rejected under 35 U.S.C. §103(a) as unpatentable over Soon-Shiong in view of Russell and further in view of Vook.

Independent claim 22 has been amended to require that the composition to be administered comprises a specific gravity ranging from 1.0063 to 1.0075. None of the cited prior art references describe the range of specific gravity now required by the amended claims. In view of this amendments, Applicant respectfully requests withdrawal of this rejection.

The Examiner has indicated that claim 46 is drawn to allowable subject matter, indicating that “the art of record does not suggest the preparation of biodegradable polymer particles containing therein a therapeutic agent in combination with a hydrofluorocarbon.” Applicants have rewritten claim 46 as requested by the Examiner to put it into independent form. New dependent claims paralleling those that depend from independent claim 22 were added.

Therefore, Applicants believe that claim 46 and those claims depending therefrom are also allowable.

CONCLUSION

Applicants submit that the claims of the application are now in condition for allowance. Applicants respectfully request withdrawal of the rejections, and prompt issuance of a notice of allowance. If the Examiner has any questions concerning this communication, or would like to discuss the application, the art, or other pertinent matters, a telephone call to the undersigned would be welcomed.

Respectfully submitted,

Date: June 9, 2010



Ingrid A. Beattie, Reg. No. 42,306
Attorney for Applicant
MINTZ, LEVIN, COHN, FERRIS
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No. 30623